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Patent
Docket No. : 1232-4349US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Keiici Ikeda, et al.

Group Art Unit: 2712

Serial No.: 08/842,394

Examiner: A. Christensen

Filed: April 23, 1997

For: IMAGE SENSING APPARATUS, IMAGE PROCESSING APPARATUS AND
IMAGE SENSING SYSTEM

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Commissioner for Patents
Washington, D.C. 20231
Attention: Office of Petitions

JUL 03 2001

OFFICE OF PETITIONS

**PETITION UNDER 37 CFR § 1.182 REQUEST ACCEPTANCE OF REQUEST FOR CPA
AS A CONTINUATION APPLICATION UNDER 37 CFR § 1.53(b)**

Sir:

Applicants hereby request, pursuant to 37 CFR §1.182, that the request for a Continued Prosecution Application (CPA) filed April 24, 2001, under 37 CFR § 1.53(d), be accepted and treated as a Continuation Application filed under 37 CFR § 1.53(b) with a filing date of April 24, 2001. The Commissioner is authorized to charge the fee of \$130.00 and any additional fees to Deposit Account No. 13-4500, Order No. 1232-4349US1.

On April 24, 2001, Applicants inadvertent filed a request for a CPA under 37 CFR § 1.53(d) in the above-identified application instead of a continuation application under 37 CFR § 1.53(b). A Notice of Improper Request for Continued Examination (RCE) (Form PTO-2051) was mailed to Applicant on May 4, 2001. A copy of the May 4, 2001 Notice is enclosed herewith.

Enclosed herewith is a copy of the parent application, drawings, executed Declaration and Power of Attorney and executed assignment that were originally filed April 23, 1997.

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Furthermore, Applicants enclose herewith a Preliminary Amendment for consideration by the Examiner.

Favorable and early consideration is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees that may be required in association with the filing of this paper, or credit any overpayment to Deposit Account No. 13-4500, Order No. 3048-7038.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

By:



Brian W. Brown
Registration No. 47,265

Dated: July 2, 2001

Mailing Address:

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New York, NY 10154-0053
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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/842,394	04/28/97	IKEADA 2001 MAY 10 A II: 57 MORGAN & FINNEGAN L/P WM21/0508	K 1232-4349
CHRISTOPHER E CHALSEN MORGAN & FINNEGAN 345 PARK AVENUE NEW YORK NY 10154		EXAMINER CHRISTENSEN, A	
		ART UNIT 2612	PAPER NUMBER 19
		DATE MAILED: 05/04/01.	

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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www.uspto.gov

APPLICATION NUMBER FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

08/842,394 04/23/97 IKEDA

K 1232-4349

WM2170504

CHRISTOPHER E CHALSEN
MORGAN & FINNEGAN
345 PARK AVENUE
NEW YORK NY 10154

CHRISTENSEN, A
DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 5/24/01 05/04/01 is improper for reason(s) indicated below:

- 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

John M. Decker, Examining Group 2600
(703) 301-2941



United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 4/24/01 is improper for reason(s) indicated below:

- 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

Thomas M. Hansen, Examining Group 2600
(703) 30 10-2941



581 A
P. Chalsen
UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
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JULY 18, 1997

PTAS

MORGAN & FINNEGAN, L.L.P.
CHRISTOPHER E. CHALSEN
345 PARK AVNU
NEW YORK, NY 10154

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1232-4344
100432762A

JUL 28 1997

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/23/1997

REEL/FRAME: 8550/0636
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

IKEDA, KEIICHI

DOC DATE: 04/21/1997

ASSIGNEE:

HABA, YOSHITO

DOC DATE: 04/14/1997

ASSIGNEE:

CANON KABUSHIKI KAISHA
30-2, SHIMOMARUKO 3-CHOME, OHTA-KU
TOKYO, JAPAN

SERIAL NUMBER: 08842394

FILING DATE:
ISSUE DATE:

PATENT NUMBER:

JOANN STEWART, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

**JOINT
(BEFORE APPLICATION FILED)**

ASSIGNMENT OF PATENT RIGHTS FOR THE UNITED STATES

FOR VALUE RECEIVED, We, Keiichi IKEDA and Yoshito HABA
citizens of Japan
residing respectively at 2820-34, Totsukacho, Totsuka-ku, Yokohama-shi,
Kanagawa-ken, Japan; and 24-2, Tagara 2-chome, Nerima-ku,
Tokyo, Japan
hereby sell, assign, transfer and convey unto Canon Kabushiki Kaisha
a corporation of Japan
having a place of business at
30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo, Japan
its successors, assigns and legal representatives (hereinafter called the "Assignee"), the entire right, title
and interest, for the United States, in and to certain inventions relating to

IMAGE SENSING APPARATUS, IMAGE PROCESSING APPARATUS AND IMAGE SENSING SYSTEM

and described in an application for Letters Patent of the United States executed by each of us, respectively, on the date indicated below and in and to said application, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted, thereon, and all reissues and extensions thereof; and we hereby authorize and request the Commissioner for Patents and Trademarks of the United States to issue all Letters Patent upon said inventions to the Assignee or to such nominees as it may designate.

AND we authorize and empower the said Assignee or nominees to invoke and claim for any application for patent or other form of protection for said inventions, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from us.

AND we hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file or like document which may be required in the United States for any purpose and more particularly in proof of the right of said Assignee or nominees to claim the aforesaid benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it.

AND we hereby covenant that we have the full right to convey the entire right, title and interest herein assigned and that we have not executed and will not execute any agreement in conflict herewith.

AND we hereby covenant and agree that we will communicate to said Assignee or nominees all facts known to us pertaining to said inventions, and testify in all legal proceedings, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and declarations and in general perform all lawful acts necessary or proper to aid said Assignee or nominees in obtaining,